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SDN. BHD.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-CV-5944 JST
MDL No. 1917

This Document Relates To:

*ViewSonic Corp. v. Chunghwa Picture Tubes,
Ltd. et al.*, No. 14-cv-02510

**DECLARATION OF RACHEL S. BRASS
IN SUPPORT OF DEFENDANTS
CHUNGHWA PICTURE TUBES, LTD.
AND CHUNGHWA PICTURE TUBES
(MALAYSIA) SDN. BHD.'S REQUEST
FOR LEAVE TO FILE MOTION FOR
BENCH TRIAL AND BIFURCATION**

Judge: Hon. Jon S. Tigar
Trial Date: November 7, 2016 (tentative)
Courtroom: 9, 19th Floor

1 I, Rachel S. Brass, hereby declare as follows:

2 1. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for
3 Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia) Sdn. Bhd. (collectively,
4 “Chunghwa”) in the above-referenced action.

5 2. I submit this declaration in support of Chunghwa’s Request for Leave to File Motion
6 for Bench Trial and Bifurcation. Unless otherwise indicated, I have personal knowledge of the
7 foregoing and could and would testify to the same if called as a witness in this matter.

8 3. On April 5, 2016, I sent a draft copy of Chunghwa’s Request for Leave to File Motion
9 for Bench Trial to counsel for ViewSonic Corporation (“ViewSonic”), inquiring whether ViewSonic
10 would stipulate to the request.

11 4. On or about April 6, 2016, Joel S. Sanders, counsel for Chunghwa, spoke with counsel
12 for ViewSonic regarding Chunghwa’s Request. ViewSonic’s counsel explained that ViewSonic did
13 not believe the Court had contemplated such a request in its prior order. ViewSonic proposed a
14 stipulation confirming that the remaining defendants in the ViewSonic and Sears/Kmart cases had not
15 waived their right to seek a bench trial with regard to the standing issue.

16 5. On April 11, 2016, counsel for ViewSonic said that ViewSonic was unable to stipulate
17 to the filing of the administrative motion because ViewSonic did not believe the motion was covered
18 by this Court’s Order (Dkt. 4261) and did not agree with the wording in the request. No alternative
19 wording was proposed. ViewSonic noted that it did not view Chunghwa’s “ability to raise this issue
20 in the context of the case management conference or at a later time” as impacted by this Court’s order
21 or April 12 deadline.

22 6. Because there is some ambiguity in this Court’s prior order, I confirmed to counsel for
23 ViewSonic that, in the interest of caution, Chunghwa could not “agree to agree” that the request was
24 not precluded, and would therefore file its request.

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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed this 12th day of April 2016, at San Francisco, California.

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4 By: /s/ Rachel S. Brass
Rachel S. Brass

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